

STANDARD APPLICATION
Harford County
Board of Appeals
Bel Air, Maryland 21014

RECEIVED
MAR 22 2004
HARFORD COUNTY COURT

Case No. 5415
Date Filed 3-22-04
Hearing Date _____
Receipt _____
Fee \$ 450.00

Shaded Areas for Office Use Only

Type of Application	Nature of Request and Section(s) of Code
<input type="checkbox"/> Administrative Decision/Interpretation	CASE 5415 MAP 8 TYPE Variance
<input type="checkbox"/> Special Exception	
<input type="checkbox"/> Use Variance	ELECTION DISTRICT 4 LOCATION 2311 Amoss Mill Road, Pylesville, Md.
<input type="checkbox"/> Change/Extension of Non-Conforming Use	BY Thomas P. Dieter
<input type="checkbox"/> Minor Area Variance	
<input type="checkbox"/> Area Variance	Appealed because a variance pursuant to Section 267-34C, Table II of the Harford County Code to
<input type="checkbox"/> Variance from Requirements of the Code	allow an addition within the 40 foot side yard setback (proposed 16 foot) in an Agricultural District
<input type="checkbox"/> Zoning Map/Drafting Correction	requires approval by the Board.
<input type="checkbox"/>	

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Applicant/Owner (please print or type)

Name THOMAS P. DIETER Phone Number 410-836-1641

Address 2311 AMOSS MILL ROAD PYLESVILLE, MARYLAND 21132
Street Number Street City State Zip Code

Co-Applicant _____ Phone Number _____

Address _____
Street Number Street City State Zip Code

Contract Purchaser _____ Phone Number _____

Address _____
Street Number Street City State Zip Code

Attorney/Representative _____ Phone Number _____

Address _____
Street Number Street City State Zip Code

Land Description

Address and Location of Property 2311 AMOSS MILL ROAD Pylesville, Maryland
E/S of CARCA Rd and the S/S of AMOSS MILL ROAD 21132

Subdivision N/A Lot Number N/A

Acreage/Lot Size 2.28 Election District 4 Zoning AG

Tax Map No. 08 Grid No. 12 Parcel 182 Water/Sewer: Private ☒ Public ☐

List ALL structures on property and current use: Dwelling

Estimated time required to present case: 10 minutes

If this Appeal is in reference to a Building Permit, state number _____

Would approval of this petition violate the covenants and restrictions for your property? No

Is this property located within the County's Chesapeake Bay Critical Area? Yes ☐ No ☒

If so, what is the Critical Area Land Use designations: _____

Is this request the result of a zoning enforcement investigation? Yes ☐ No ☒

Is this request within one (1) mile of any incorporated town limits? Yes ☐ No ☒

Request

Variance to allow the construction of a handicap accessible bath and bedroom on the west side of the existing dwelling without the required 40' MINIMUM side yard setback. The existing side yard on the west side is 40', which meets the requirement. I want to construct an addition of 24' which will leave a side yard setback of 16'.

Justification

Have owned property since 1907. Uniqueness of property is that it is long and narrow. Well is in the front of the dwelling, septic system in the rear, ^{PARKING AND} driveway on east side, leaving only west side for addition. Variance will not be detrimental to adjoining properties. The adjoining property on the west side is a 25' right of way to a dwelling located to the rear of my lot. Adjoining that is another 60' right of way.

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

JAMES M. HARKINS
HARFORD COUNTY EXECUTIVE

JOHN J. O'NEILL, JR.
DIRECTOR OF ADMINISTRATION

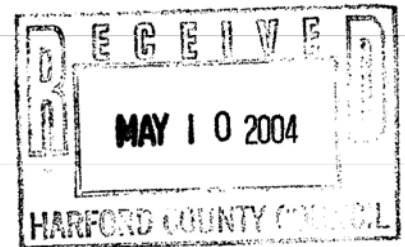


J. STEVEN KAI-ZIEGLER
DIRECTOR OF PLANNING & ZONING

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

May 11, 2004



STAFF REPORT

BOARD OF APPEALS CASE NO. 5415

APPLICANT: Thomas P. Dieter
2311 Amoss Mill Road, Pylesville, Maryland 21132

REPRESENTATIVE: Applicant

LOCATION: 2311 Amoss Mill Road
Tax Map: 08 / Grid: 12 / Parcel: 182
Election District: Fourth (4)

ACREAGE: 2.28 acres

ZONING: AG/Agricultural

DATE FILED: March 22, 2004

HEARING DATE: May 19, 2004

APPLICANT'S REQUEST and JUSTIFICATION:

Request:

"Variance to allow the construction of a handicap accessible bath and bedroom on the west side of the existing dwelling without the required 40' minimum side yard setback. The existing side yard on the west side is 40', which meets the requirement. I want to construct an addition of 24' which will leave a side yard setback of 16'."

Justification:

"Have owned property since 19 Oct 71. Uniqueness of property is that it is long and narrow. Well is in the front of the dwelling, septic system in the rear, parking and driveway on east side,

Preserving our values, protecting our future

MY DIRECT PHONE NUMBER IS (410) 638-3103

220 SOUTH MAIN STREET BEL AIR, MARYLAND 21014 410-638-3000 • 410-879-2000 • TTY 410-638-3086 • www.co.ha.md.us

This document is available in alternative format upon request.

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Thomas P. Dieter

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leaving only west side for addition. Variance will not be detrimental to adjoining properties. The adjoining property on the west side is a 25' right of way to a dwelling located to the rear of my lot. Adjoining that is another 60' right of way."

CODE REQUIREMENTS:

The Applicant is requesting a variance pursuant to Section 267-34C, Table II of the Harford County Code to allow an addition within the required 40-foot side yard setback (16-feet proposed) in an AG/Agricultural District.

Enclosed with the report is a copy of Section 267-34C, Table II of the Harford County Code (Attachment 1).

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The Applicant's property is located in the northwest area of the County. The lot is situated on the south side of Amoss Mill Road, east of Carea Road. A location map and a copy of the Applicant's site plan are enclosed with the report (Attachments 2 and 3).

The subject property is located outside of the Development Envelope. The predominant land use designation in this area of the County is Agricultural/AG Residential. The Natural Features Map reflects parks, Deer Creek Scenic River District, habitats of local significance, stream buffers and agricultural preservation districts and easements. The Applicant's property is designated as Agricultural/AG Residential, which is defined by the 1996 Master Plan as:

Agricultural/AG Residential – Areas where agriculture is the primary land use. Where developments rights are available, residential development at a density of 1.0 dwelling unit for every 10 acres is possible. Commercial uses within this area are intended to serve the agriculture industry or residents of the area.

Enclosed with the report are copies of portions of the 1996 Land Use Map and the Natural Features Map (Attachments 4 and 5).

Land Use - Existing:

The existing land uses in this area of the County conform to the overall intent of the 1996 Master Plan. The area is predominantly agricultural and includes cropland, pastureland and areas of dense woodland. There are no major residential developments in the area. Enclosed with the report is a copy of the aerial photograph (Attachment 6).

The subject property is a long, narrow parcel approximately 165-feet in width and 660-feet in length containing approximately 2.28 acres. The topography ranges from rolling to steep

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(Attachment 7). The property fronts on Amoss Mill Road, which is a paved County road. Improvements consist of a brick and frame two-story dwelling, blacktopped driveway and parking area, fenced in-ground pool and utility building to the rear of the pool. The property is open around the dwelling and improvements, with the balance being densely wooded. The property is nicely landscaped and all improvements appear to be well maintained. Enclosed with the report are site photographs along with an enlargement of the aerial photograph (Attachments 8 and 9).

Zoning:

The zoning classifications conform to the intent of the Master Plan as well as the existing land uses. The predominant zoning classification is AG/Agricultural. There are a few small areas of RR/Rural Residential and B1/Neighborhood Business. The subject property is zoned AG/Agricultural (Attachment 10).

Zoning History:

This property was the subject of a previous Board of Appeals case in January 2001 (Attachment 11). At that time the Applicant requested a variance to create two lots without the required 200-foot lot width at the building setback line in the AG/Agricultural District. The Board approved the request in January 2001. The decision allowed Lot 1, which is around the Applicant's dwelling, to be reduced to 165-feet at the building setback line, and Lot 2, which was to be the son's lot, to be 190-feet in width at the building setback line.

SUMMARY:

The Applicant is requesting a variance pursuant to Section 267-34C, Table II of the Harford County Code to allow an addition within the required 40-foot side yard setback (16-feet proposed) in an AG/Agricultural District.

Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the Applicant must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

The Department of Planning and Zoning finds that the subject property is unique. The closest dwelling is approximately 300-feet from the proposed addition. This area contains dense woods. The existing improvements are fully screened from the road. Based on the location of the existing improvements (including the well and septic systems), the proposed location is the only practical area available for the addition. The requested variance should not have an adverse impact on the adjacent properties or the intent of the Code.

STAFF REPORT

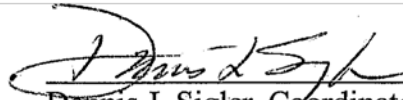
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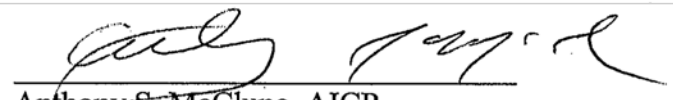
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RECOMMENDATION and or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends that the variance be approved subject to the Applicant obtaining all necessary permits and inspections for the addition.


Dennis J. Sigler, Coordinator
Zoning & Board of Appeals Review

DJS/ASM/ka


Anthony S. McClune, AICP
Deputy Director, Planning and Zoning